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SUB-TYPE:

FR CITE: 75 FR 10466 FR CITE DATE: 07/06/2010

REFERENCE 9299203, 0088301
MESSAGE #
(s):

CASE #(s): C-570-963

EFFECTIVE DATE: 07/06/2010 COURT CASE #:

PERIOD OF REVIEW: 03/08/2010 TO 07/05/2010

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: DISCONTINUE SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM CHINA (C-570-963); CONTINUE TO SUSPEND ENTRIES FROM 03/08/10 TO 07/05/10

1. IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT OF COMMERCE (COMMERCE) IS DISCONTINUING THE SUSPENSION OF LIQUIDATION ON THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA, EFFECTIVE 07/06/2010, WHICH IS 120 DAYS AFTER THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION (SEE MESSAGE 0088301, DATED 03/29/2010, "NOTICE OF PRELIMINARY AFFIRMATIVE DETERMINATION").

WHEN THIS CASE WAS INITIATED, THE PRODUCT SODIUM TRIPOLYPHOSPHATE (STPP) WAS INCLUDED IN THE SCOPE OF THE INVESTIGATION. SEE MESSAGE NO: 9299203, 10/26/2009. STPP IS CLASSIFIED UNDER HEADING 2835.31.0000, HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ON 11/23/2009, THE INTERNATIONAL TRADE COMMISSION (ITC) PUBLISHED ITS PRELIMINARY DETERMINATION, FINDING NO REASONABLE INDICATION THAT THE INDUSTRY PRODUCING STPP IS MATERIALLY INJURED OR THREATENED WITH MATERIAL INJURY. SEE 74 FR 61173. AS A RESULT OF THE ITC'S NEGATIVE DETERMINATION, STPP WAS REMOVED FROM THE SCOPE OF THE INVESTIGATION. THE DEPARTMENT CHANGED THE NAME OF THIS INVESTIGATION FROM "CERTAIN SODIUM AND POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA" TO "CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA." SEE 75 FR 10466, 03/08/2010.

2. THE PHOSPHATE SALTS COVERED BY THIS INVESTIGATION INCLUDE ANHYDROUS MONOPOTASSIUM PHOSPHATE (MKP), ANHYDROUS DIPOTASSIUM PHOSPHATE (DKP) AND TETRAPOTASSIUM PYROPHOSPHATE (TKPP), WHETHER ANHYDROUS OR IN SOLUTION (COLLECTIVELY "PHOSPHATE SALTS").

TKPP, ALSO KNOWN AS NORMAL POTASSIUM PYROPHOSPHATE, DIPHOSPHORIC ACID OR TETRAPOTASSIUM SALT, IS A POTASSIUM SALT WITH THE FORMULA $K_4P_2O_7$. THE

CAS REGISTRY NUMBER FOR TKPP IS 7320-34-5. TKPP IS TYPICALLY 18.7% PHOSPHORUS AND 47.3% POTASSIUM. IT IS GENERALLY GREATER THAN OR EQUAL TO 43.0% P₂O₅ CONTENT. TKPP IS CLASSIFIED UNDER HEADING 2835.39.1000, HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS).

MKP, ALSO KNOWN AS POTASSIUM DIHYDROGEN PHOSPHATE, KDP, OR MONOBASIC POTASSIUM PHOSPHATE, IS A POTASSIUM SALT WITH THE FORMULA KH₂PO₄. THE CAS REGISTRY NUMBER FOR MKP IS 7778-77-0. MKP IS TYPICALLY 22.7% PHOSPHORUS, 28.7% POTASSIUM AND 52% P₂O₅. MKP IS CLASSIFIED UNDER HEADING 2835.24.0000, HTSUS.

DKP, ALSO KNOWN AS DIPOTASSIUM SALT, DIPOTASSIUM HYDROGEN ORTHOPHOSPHATE OR POTASSIUM PHOSPHATE, DIBASIC, HAS A CHEMICAL FORMULA OF K₂HPO₄. THE CAS REGISTRY NUMBER FOR DKP IS 7758-11-4. DKP IS TYPICALLY 17.8% PHOSPHORUS, 44.8% POTASSIUM AND 40% P₂O₅ CONTENT. DKP IS CLASSIFIED UNDER HEADING 2835.24.0000, HTSUS.

THE PRODUCTS COVERED BY THIS INVESTIGATION INCLUDE THE FOREGOING PHOSPHATE SALTS IN ALL GRADES, WHETHER FOOD GRADE OR TECHNICAL GRADE. THE PRODUCTS COVERED BY THIS INVESTIGATION INCLUDE ANHYDROUS MKP AND DKP WITHOUT REGARD TO THE PHYSICAL FORM, WHETHER CRUSHED, GRANULE, POWDER OR FINES. ALSO COVERED ARE ALL FORMS OF TKPP, WHETHER CRUSHED, GRANULE, POWDER, FINES OR SOLUTION.

FOR PURPOSES OF THE INVESTIGATION, THE NARRATIVE DESCRIPTION IS DISPOSITIVE, NOT THE TARIFF HEADING, AMERICAN CHEMICAL SOCIETY, CAS REGISTRY NUMBER OR CAS NAME, OR THE SPECIFIC PERCENTAGE CHEMICAL COMPOSITION IDENTIFIED ABOVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-963.

4. FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 07/06/2010. THE SUSPENSION OF LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL COMMERCE PUBLISHES A COUNTERVAILING DUTY ORDER IN THIS CASE. FIELD OFFICERS SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL SHIPMENTS ENTERED,

OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION MADE DURING THE PERIOD 03/08/2010 THROUGH 07/05/2010, UNTIL THE CONCLUSION OF THIS COUNTERVAILING DUTY INVESTIGATION.

5. THE DISCONTINUATION DOES NOT AFFECT THE REQUIREMENTS OF A CASH DEPOSIT OR BOND ON ENTRIES SUBJECT TO THE SUSPENSION OF LIQUIDATION ANNOUNCED IN COMMERCE'S PRELIMINARY DETERMINATION IN THE COMPANION ANTIDUMPING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-962).

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY U.S. CUSTOMS AND BORDER PROTECTION OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:AH).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party